

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 20 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SARADHBHAI MANCHHIBHAI CHAUDHARI

Versus

MACHALABHAI MANCHHIBHAI CHAUDHARI

Appearance:

MR UNMESH D SHUKLA for Petitioner
MR DR DHIMAR for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 18/11/97

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. D.R. Dhimar,
learned advocate for the respondent.

2. Order impugned in this revision application u/S.
115 of C.P.C. is one with regard to de-exhibiting the
document at mark 87/1, which was given exh. 105. The
impugned order was passed on 4/10/1996 by the learned 3rd

Joint Civil Judge (S.D.), Surat, camping at Bardoli, in Civil Suit No. 358 of 1992.

3. The controversy which has arisen between the parties is with regard to whether the respondent being the defendant in the suit is in possession of original document as per the xerox copy appearing at mark 87/1. While maintaining the order which has been passed by the trial Court, following direction is required to be issued for the ends of justice :-

The defendant (respondent herein) will file affidavit with regard to the original document as per mark 87/1 within a period of 15 days from the date of receipt of writ of this direction by the trial Court. He will state in the affidavit whether at any point of time he was in possession of the original of document mark 87/1 and if so what happened to that document and whether in fact he is not in possession of the said document at the time of filing of the affidavit. After such an affidavit has been filed it will be open for the petitioner being the plaintiff to adduce further evidence in respect of mark 87/1 and the learned trial Judge will give appropriate opportunity in that respect to the petitioner.

Subject to the aforesaid direction, rule is discharged. No order as to cost. Interim relief vacated.

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